

William E. von Behren (Bar No. 106642)
 Carol Burney Lewis (Bar No. 130188)
 MESERVE, MUMPER & HUGHES LLP
 300 South Grand Avenue, 24th Floor
 Los Angeles, California 90071-3185
 Telephone: (213) 620-0300
 Facsimile: (213) 625-1930

Attorneys for Defendant
 MASSACHUSETTS MUTUAL LIFE
 INSURANCE COMPANY

UNITED STATES DISTRICT
 NORTHERN DISTRICT OF CALIFORNIA

STEPHEN REYNOLDS, DDS,

Plaintiff,

vs.

MASSACHUSETTS MUTUAL LIFE
 INSURANCE COMPANY,

Defendant.

Case No. C04 3814 MMC

STIPULATION AND ~~[PROPOSED]~~
 ORDER RE CONTINUANCE OF
 NON-EXPERT DISCOVERY CUT-
 OFF DATE

Judge: Hon. Maxine M. Chesney

Complaint Filed: September 10, 2004

This Stipulation is made by and between plaintiff Stephen Reynolds, DDS ("plaintiff") and defendant Massachusetts Mutual Life Insurance Company ("MassMutual"), by and through their respective attorneys of record, and is based upon the following facts:

1. Pursuant to this Court's Pretrial Preparation Order of September 6, 2005 ("Order"), plaintiff and MassMutual were ordered to complete all non-expert discovery by February 17, 2006;

2. The parties have engaged in settlement discussions by way of private mediation, which took place on December 15, 2005. Although no resolution was reached at that time, the parties believe that further settlement discussions will be in the best interest of all of the parties and should be pursued. Accordingly, the parties

1 have agreed to participate in a second mediation session, which has been scheduled
2 for January 5, 2006;

3 3. The parties have been actively engaged in discovery. The parties have
4 propounded and responded to written discovery. Plaintiff commenced, but did not
5 complete the deposition of the Person Most Knowledgeable from MassMutual and
6 took the deposition of one of its consultants. MassMutual has commenced, but did
7 not complete, the deposition of plaintiff;

8 4. There remains to be completed numerous non-party depositions,
9 including the depositions of plaintiff's treating physicians and other medical
10 professionals. The parties wish to avoid incurring the expense of completing the
11 remaining depositions while they are actively engaged in settlement discussions.
12 The parties also wish to have sufficient time to complete the outstanding discovery
13 in the event that this matter is not resolved on an informal basis;

14 5. For the foregoing reasons, the parties, through their undersigned
15 counsel, have agreed to continue only the non-expert discovery cut-off by 30-days,
16 i.e., until March 17, 2006;

17 6. The relief sought herein is not intended to cause delay and will not
18 change any other pre-trial or trial dates set by this Court, including the dispositive
19 motion filing deadline, which is May 5, 2006 and the trial date, which is July 18,
20 2006.

21
22 **NOW THEREFORE, IT IS HEREBY STIPUATED AND AGREED,**
23 subject to the approval of the Court, that the non-expert discovery cut-off date,
24 which is currently February 17, 2006, will be extended to March 17, 2006.

25
26 **IT IS SO STIPULATED.**
27
28

1
2 DATED: December , 2005.

MESERVE, MUMPER & HUGHES LLP
WILLIAM E. VON BEHREN
CAROL BURNEY LEWIS

3
4 By:

CAROL BURNEY LEWIS
Attorneys for Defendant
MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY

5
6
7
8 DATED: December 27, 2005.

SHERNOFF BIDART & DARRAS, LLP

9 By:

10 FRANK N. DARRAS
11 MICHAEL B. HORROW
Attorneys for Plaintiff
12 STEPHEN REYNOLDS, DDS
13
14

15 **ORDER**

16 IT IS HEREBY ORDERED that, based on the foregoing Stipulation and for
17 good cause shown, the non-expert discovery cut-off is hereby extended to March 17,
18 2006.

19 **IT IS SO ORDERED.**

20
21 DATED: _____

HON. MAXINE M. CHESNEY
Judge, United States District Court

1
2 DATED: ^{January} ~~December~~ 3, 2005.

MESERVE, MUMPER & HUGHES LLP
WILLIAM E. VON BEHREN
CAROL BURNEY LEWIS

4
5 By: Carol Burney Lewis

CAROL BURNEY LEWIS
Attorneys for Defendant
MASSACHUSETTS MUTUAL LIFE
INSURANCE COMPANY

6
7
8 DATED: December ___, 2005.

SHERNOFF BIDART & DARRAS, LLP

9 By: _____

10 FRANK N. DARRAS
11 MICHAEL B. HORROW
12 Attorneys for Plaintiff
13 STEPHEN REYNOLDS, DDS
14

15 **ORDER**

16 IT IS HEREBY ORDERED that, based on the foregoing Stipulation and for
17 good cause shown, the non-expert discovery cut-off is hereby extended to March 17,
18 2006.

19 **IT IS SO ORDERED.**

20
21 DATED: January 4, 2006

Maxine M. Chesney
22 HON. MAXINE M. CHESNEY
23 Judge, United States District Court
24
25
26
27
28